THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.10084 of 2000

05.07.2006

Between

S.V.Rangaiah Setty

…Petitioners

And

Director of Town and Country Planning, Government of Andhra Pradesh, Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.10084 of 2000

ORDER:

This writ petition is filed aggrieved by the action of the second respondent-Municipality in not allotting alternative site or paying compensation to the petitioner with reference to the land belonging to the petitioner acquired and utilised by it for laying a road.

It is stated that after laying a road in the land of the petitioner, without acquiring the land, the Municipality passed a resolution proposing to allot alternative site to the petitioner by way of compensation to the extent of Ac.0.04 ½ cents equivalent to the site acquired by the Municipality for the purpose of laying a road, subject to the approval of the State Government. Though the said resolution was passed as early as on 31.05.1991, it appears that the Municipality has forwarded the same to

the State Government vide its letter, dated 30.09.1991. In response to the same, a letter, dated 04.03.1994, was issued by the Director of Town and Country Planning, Government of Andhra Pradesh, Hyderabad, the first respondent herein, communicating to the Municipal Commissioner of the second respondent-Municipality that the proposal to provide alternative site to the petitioner is not desirable, since the petitioner has also got benefit by the formation of road in the land. Aggrieved by the same, the present writ petition is filed.

Heard both sides and considered the material on record.

The stand taken by the first respondent is clearly illegal and not in accordance with law. When once the petitioner's land was taken by the Municipality for laying a road, the Municipality either to acquire the same under the provisions of the Land Acquisition Act, 1894 or, as per the agreement with the petitioner, provide alternative site agreeable to the petitioner which was, in fact, proposed by the second respondent-Municipality and which was not accepted by the first respondent.

In the circumstances, the proceedings of the first respondent, dated 04.03.1994, are set aside and the second respondent-Municipality is directed either to pay compensation as is payable under the provisions of the Land Acquisition Act, 1894 in respect of Ac.0.04 ½ cents, which was acquired by the Municipality from the petitioner,

or provide alternative equivalent site agreeable to the petitioner. The said exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No costs.

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05.07.2006

VGB